IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 8TH DECEMBER 2006 / 17TH AGRAHAYANA 1928

Bail Appl..No. 7402 of 2006()

STC.78/2004 of J.M.F.C.-II(FOREST OFFENCES),MANJERI

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PETITIONER/ACCUSED:

ALICE THOMAS,
LADY HEALTH INSPECTOR,
P.H.CENRE, MUZHAKKUNNU, KANNUR DISTRICT,
RESIDING AT MAVILA VEEDU, P.O.PAYAM EAST,
IRITTY, KANNUR DISTRICT.

BY ADV. SRI.P.M.PAREETH

RESPONDENT: COMPLAINANT:

STATE OF KERALA REPRESENTED BY
SHO MANJERI POLICE STATION
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. Ramkumar, J.

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B.A.No.7402 of 2006

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Dated this the 8th day of December, 2006.

ORDER

Petitioner, who is the sole accused in S.T.C.No.78 of 2004 on the file of the J.F.C.M.II (Forest Offences), Manjeri for an offence punishable under Section 138 of Negotiable Instruments Act, 1881, seeks anticipatory bail.

2. The petitioner is a lady and employed as a Health Inspector in the Primary Health Centre, Muzhakkunnu, Kannur District. Admittedly, consequent on the non-appearance of the petitioner before the aforesaid Magistrate, non-bailable warrant of arrest is pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not seek regular bail after surrendering before the Magistrate concerned. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same day on which it is filed after examining the explanation offered by the petitioner for her previous

non-appearance and after examining her contention that she was not duly served with summons.

This application is dismissed with the above direction.

V.Ramkumar,
Judge.

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